D.B.CIVIL WRIT PETITION NO.7906/2006
Heera Lal Chaudhary v.Union of India & ors.

Date of order : 29.03.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

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Shri P.S.Sirohi for the petitioner.

This writ petition is directed against the order of the Central Administrative Tribunal, Jaipur Bench dated 3.3.2005 in OA no. 63/2005 rejecting the petitioner's application seeking direction for appointment on compassionate ground.

The father of the petitioner, Jagdish Prasad Jat, is said to have died in harness on 1.5.1995. The petitioner applied for appointment on 17.12.2004. According to him, on the death of his father, his younger brother Chhotelal applied for compassionate appointment. He later moved the Central Administrative Tribunal vide OA no. 130/1998 seeking direction to that effect. The OA was disposed of on 30.4.1998 with direction to the concerned authority to take a decision on his claim within the period of three months. However, it is said, the application remained pending and out of frustration, Chhotelal committed suicide in 2003.

We are afraid, the facts mentioned above hardly mitigate the delay in filing the application for compassionate appointment by

the petitioner. He cannot contend that since his bother had made application for compassionate appointment, he was awaiting its outcome and cause of action arose only after he committed suicide.

The object and scope of compassionate appointment is well settled by series of decisions of the Apex Court as well as various High Courts. Compassionate appointment is made to provide financial support to the bereaved family so that the members of the family may meet the crisis suddenly caused due to unexpected and premature death of the bread-earner. Having regard to the nature of appointment, it is necessary that such appointment should be made within reasonable time or not at all. Delay in making application is a valid ground to reject the application.

All said and done, twelve years have passed since the death of the petitioner's father. Any direction for compassionate appointment at this stage will not be in consonance with Articles 14 and 16 of the Constitution of India. We accordingly do not find any error in the order of the Tribunal rejecting the original application.

The petition is dismissed.

mathur/ (MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.